

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

JOHN A. IOZZA,

Plaintiff,

v.

INHABITANTS OF THE TOWN OF
LIMERICK,

Defendant.

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Docket no. 2:09-CV-261-GZS

ORDER ON MOTION FOR TEMPORARY RESTRAINING ORDER

Before the Court is Plaintiff's Motion for Temporary Restraining Order (Docket # 3). Having reviewed the Motion as well as Plaintiff's Complaint and all of the attached filings, the Court hereby DENIES the Motion.

The Court notes that Plaintiff's Motion fails to comply with the basic requirements for a temporary restraining order found in Federal Rule of Civil Procedure 65(b)(1); namely, there is no affidavit or verified complaint clearly showing immediate and irreparable injury and there is no written certification justifying why Plaintiff is entitled to injunctive relief absent notice to Defendant. Even if the Court could overlook these procedural failings, the Court would still conclude that Plaintiff's filings do not support preliminary injunctive relief. Specifically, in the Court's assessment, Plaintiff's likelihood of success on the merits is very low. Rather, due to various abstention and preclusion doctrines, this federal court will likely be unable to provide Plaintiff with any relief on his claims, which appear to have been fully litigated and decided in state court. See, e.g., Miller v. Nichols, 592 F. Supp. 2d 191, 195-98 (D. Me. 2009) (dismissing Plaintiff's claims and denying Plaintiff injunctive relief in light of prior state litigation of the same issues).

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 22nd day of June, 2009.